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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,075	08/06/2003	Charles E. Dumont	LOT920030008US1	7217
23550	7590	08/08/2006	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			FARROKH, HASHEM	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/635,075	DUMONT, CHARLES E.	
	Examiner	Art Unit	
	Hashem Farrokh	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 August 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-33 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 August 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/6/03.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

The instant application having application No. 10/635,075 has a total of 33 claims pending in the application; there are 4 independent claims and 29 dependent claims, all of which are ready for examination by the examiner.

INFORMATION CONCERNING CLAIMS:

Objection:

Specification

The disclosure is objected to because of the following informalities:

1. *Paragraph 24 in page 10 of spec makes reference to memory 16, but there is no memory 16 shown in the drawing.*
2. *Paragraph 9 in page 5 make a reference to "recordable medium", but there is no description in the specification as to what is meant by "recordable medium"*

Appropriate correction is required.

Rejection:

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. *Claims 1-33 are rejected under 35 U.S.C. 101 because the steps of determining, generating, returning... in and of themselves are not a practical application with a useful, concrete and tangible result (e.g., the actual validating never take place).*
2. *Claims 26-33 are rejected under 35 U.S.C. 101 because of the following reasons: The claims recite "A program product stored on a recordable medium..." but the specification does not specify what the recordable medium is. It is assumed recordable medium is some types of memory. However, the memory is not limited to tangible embodiments. In view of applicants' disclosure, specification paragraph 20, page 8 to 9, the memory is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., storage media) and intangible embodiments (e.g., transmission media). As such, the claims are not limited to statutory subject matter and are therefore non-statutory. The Applicant may overcome this 101 rejection by amending the claims to replace "recordable medium" with --recordable storage medium-*

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. *In regard claims 1-33, the claims preamble recites "...validating remotely cached content..."; the body of claims only includes the steps of determining, generating, returning... but not actual validating of the cache content that is recited in the preamble.*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-27, and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0026563 A1 to Chamberlain et al. (hereinafter Chamberlain) in view of U.S. Patent Publication No. 2003/0182357 A1 to Chess et al. (hereinafter Chess).

4. *In regard to claim 1 Chamberlain teaches:*

"A method (e.g., see paragraph 35 in page 3; Fig. 5) for validating (e.g., see paragraph 51 in page 5; Validity Analyzer 315 in Fig. 4) remotely cached dynamic content web pages (e.g., see paragraph 16 in page 2), comprising: determining a cacheability of a response to a client request (e.g., see paragraph 16 in page 2; paragraph 50 in page 4 to 5; element 309 in Fig. 4), sources of dynamic content in the response and a set of dependencies on the sources;" (e.g., see paragraph 14 in page 2; paragraph 48 in page 4).

“generating an entity tag based on the cacheability (e.g., see paragraph 50 in page 4 to 5), the sources and the set of dependencies;” (e.g., see paragraph 14 in page 2; paragraph 48 in page 4). For example the cache strategy indicators generated by cacheability analyzer represents the entity tag. The indicators are generated by examining the attributes.

“receiving a subsequent request from the client with the entity tag;” (e.g., see paragraph 48 in page 4; claim 1 in page 9). For example the URL received from client include commands that identifies sources or associated parts. Parts may dates and other attributes.

“and analyzing the entity tag to determine if the cached response is valid.” (e.g., see paragraph 17 in page 3; Validity Analyzer 315 in Fig. 4). However, Chamberlain does not expressly teach: “returning and caching the response and the entity tag on the client;”

Chess teaches: “returning and caching the response and the entity tag on the client;” (e.g., see paragraphs 10-11 in page 1) for server to send respond, including cookies and content, to be cached at the client.

Disclosures by Chamberlain and *Chess* are analogous because both references related to web-caching.

At the time of invention it would have been obvious to a person of ordinary skill in art to modify the system and method of caching web pages with dynamic content taught by

Chamberlain to include the content-side caching of pages with changing content disclosed by Chess.

The motivation for using content-side caching of pages as taught by paragraph 1, page 1 of Chess is to improve the performance of internet-based or web application.

Therefore, it would have been obvious to combine disclosure by Chess with Chamberlain to obtain the invention as specified in the claim.

5. *In regard to claim 10 Chamberlain teaches:*

“A method (e.g., see paragraph 35 in page 3; Fig. 5) for validating (e.g., see paragraph 51 in page 5; Validity Analyzer 315 in Fig. 4) remotely cached dynamic content web pages (e.g., see paragraph 16 in page 2), comprising: “determining a cacheability of a response to a client request for a dynamic content web page (e.g., see paragraph 16 in page 2; paragraph 50 in page 4 to 5; element 309 in Fig. 4), sources of dynamic content in the response and a set of dependencies on the sources;” (e.g., see paragraph 14 in page 2; paragraph 48 in page 4).

“generating an entity tag (e.g., see paragraph 50 in page 4 to 5), wherein the entity tag identifies the sources and includes cacheability flags and time values associated with the set of dependencies;” (e.g., see paragraph 14 in page 2; paragraph 48 in page 4; paragraph 53 in page 5).

“receiving a subsequent request for the dynamic content web page from the client with the entity tag;” (e.g., see paragraph 48 in page 4; claim 1 in page 9).

“and comparing the time values in the entity tag with corresponding time values for the sources to determine if the cached response is valid.” (e.g., **see paragraph 17 in page 3; paragraph 48 in page 4; Validity Analyzer 315 in Fig. 4**). However, *Chamberlain does not expressly teach*: “returning and caching the response and the entity tag on the client;”

Chess teaches: “returning and caching the response and the entity tag on the client;” (e.g., **see paragraphs 10-11 in page 1**) *for server to send respond, including cookies and content, to be cached at the client. The motivation for combining Chamberlain and Chess based on the same rational given for rejection of claim 1.*

6. *In regard to claim 18 Chamberlain teaches:*

“A system (e.g., **see paragraph 35 in page 3; Fig. 4**) for validating (e.g., **see paragraph 51 in page 5; Validity Analyzer 315 in Fig. 4**) remotely cached dynamic content web pages (e.g., **see paragraph 16 in page 2**), comprising: a tag generator for generating an entity tag (e.g., **see paragraph 50 in page 4 to 5**) for a response to a client request for a dynamic content web page (e.g., **see paragraph 48 in page 4; claim 1 in page 9**), wherein the entity tag identifies sources of dynamic content in the response and includes cacheability flags (e.g., **see paragraph 53 in page 5**) corresponding to a cacheability of the response and time values associated with a set of dependencies on the sources,” (e.g., **see paragraph 48 in page 4; claim 1 in page 9**).

“and a tag analyzer for analyzing the entity tag (e.g., **Validity Analyzer 315 in Fig. 4**) when received from the client with a subsequent request for the dynamic content web

page to determine if the cached response is valid." (e.g., see paragraph 48 in page 4; claim 1 in page 9). However, *Chamberlain* does not expressly teach: "wherein the response and the entity tag are cached on the client;"

Chess teaches: "wherein the response and the entity tag are cached on the client;" (e.g., see paragraphs 10-11 in page 1) for server to send respond, including cookies and content, to be cached at the client. The motivation for combining *Chamberlain* and *Chess* based on the same rational given for rejection of claim 1.

7. In regard to claim 26 *Chamberlain* teaches:

"A program product stored on a recordable medium (e.g., see paragraph 144 in page 9; Fig. 2) for validating (e.g., see paragraph 51 in page 5; Validity Analyzer 315 in Fig. 4) remotely cached dynamic content web pages (e.g., see paragraph 16 in page 2), which when executed (e.g., see paragraph 34 in page 3), comprises: program code for generating an entity tag (e.g., see paragraph 50 in page 4 to 5) for a response to a client request for a dynamic content web page (e.g., see paragraph 48 in page 4; claim 1 in page 9), wherein the entity tag identifies sources of dynamic content in the response and includes cacheability flags (e.g., see paragraph 53 in page 5) corresponding to a cacheability of the response and time values associated with a set of dependencies on the sources," (e.g., see paragraph 48 in page 4; claim 1 in page 9).

"and program code for analyzing the entity tag (e.g., see paragraph 48 in page 4; Validity Analyzer 315 in Fig. 4) when received from the client with a subsequent request for the dynamic content web page to determine if the cached response is valid."

(e.g., see paragraph 48 in page 4; claim 1 in page 9). However, Chamberlain does not expressly teach: "wherein the response and the entity tag are cached on the client;" Chess teaches: "wherein the response and the entity tag are cached on the client;" (e.g., see paragraphs 10-11 in page 1) for server to send respond, including cookies and content, to be cached at the client. The motivation for combining Chamberlain and Chess based on the same rational given for rejection of claim 1.

8. In regard to claims 2 and 11 Chess teaches:

"sending a status code to the client if the cached response is valid;" (e.g., see paragraph 36 in page 3).

"and displaying the cached response." (e.g., see paragraphs 51-52 in page 4).

9. In regard to claims 3 and 12 Chamberlain teaches:

"further comprising generating a new response if the cached response is not valid;" (e.g., see paragraph 16 in page 2 to 3) "determining a cacheability of the new response, sources of dynamic content in the new response and a set of dependencies on the sources of the dynamic content in the new response;" (e.g., see paragraph 16 in page 2 to 3; paragraph 48 in page 4).

"generating a new entity tag based on the cacheability of the new response (e.g., see paragraph 50 in page 4 to 5), the sources of dynamic content in the new response and the set of dependencies on the sources of the dynamic content in the new response;"

(e.g., see paragraph 48 in page 4). However, Chamberlain does not expressly teach: “returning and caching the new response and the new entity tag on the client.”

Chess teaches: “returning and caching the new response and the new entity tag on the client.” (e.g., see paragraphs 10-11 in page 1) for server to send respond, including cookies and content, to be cached at the client. The motivation for combining Chamberlain and Chess based on the same rational given for rejection of claim 1.

10. *In regard to claims 4 and 13 Chamberlain teaches:*

“wherein the analyzing (e.g., Cacheability analyzer 309 in Fig. 4) step comprises:” “decoding the entity tag;” (e.g., see paragraph 41 in page 4; Parser 303 in Fig. 4). For example Chamberlain teaches that the parser breaks down the URL to different parts, which inherently means decoding the entity tag (e.g., URL includes entity tag).

“identifying the sources;” (e.g., see abstract; paragraph 48 in page 4).

“and comparing time values within the entity tag associated with the set of dependencies to corresponding time values for the sources to determine if the cached response is valid (e.g., see paragraph 51 in page 5), wherein the cached response is valid if the time values within the entity tag match the corresponding time values for the sources.” (e.g., see abstract; paragraph 48 in page 4).

11. *In regard to claims 5, 15, 23, and 31 Chamberlain teaches:*

“wherein the set of dependencies comprises at least one of a database design, database data, and document data.” (e.g., see paragraph 48 in page 4). For example dependency parts include database design.

12. *In regard to claim 7 Chamberlain teaches:*

“wherein the determining step comprises creating a set of cacheability flags based on the set of dependencies (e.g., see paragraph 48 in page 4; paragraph 53 in page 5), and wherein the entity tag includes the cacheability flags.” (e.g., see paragraph 114 in page 6). For example the cacheability strategy flags are generated based on attributes. The attributes associated with source(s) identified in the URL request and dependencies (e.g., parts).

13. *In regard to claim 8 Chamberlain teaches:*

“wherein the entity tag further includes a database design time value and a data time value.” (e.g., see paragraph 48 in page 4). However, Chamberlain does not expressly teach that entity tag includes: “a version number”.

Chess teaches: that the entity tag or cookie includes: “a version number” (e.g., see abstract; e.g., see paragraph 10 in page 1).

14. *In regard to claims 9, 16, 25, and 33 Chamberlain teaches:*

“wherein the entity tag further comprises at least one of a document identifier and a user name.” (e.g., see abstract; paragraph 48 in page 4). For example URL includes

commands that identify documents and also user's identity that inherently includes user's name.

15. *In regard to claims 14, 24, and 32 Chamberlain teaches:*

"wherein the time values comprise a database design time value and a data time value." (e.g., **see abstract; paragraph 48 in page 4**). For example the parts include data and database design each with time attributes (e.g., modified time).

16. *In regard to claim 17 Chess teaches:*

"wherein the returning and caching step comprises: encoding the entity tag;" (e.g., **see paragraph 33 in page 3**).

"and returning the entity tag to the client in a header accompanying the response." (e.g., **see paragraph 38 in page 3**). For example cookie or entity tag is included in response header.

17. *In regard to claims 19 and 27 Chamberlain teaches:*

"wherein the cached response is valid if the time values within the entity tag match corresponding time values for the sources." (e.g., **see paragraph 48 in page 4**). For example the request is compared or examined against previously cached request and the response is valid if there is no change compared to the previously cached request.

18. *In regard to claim 20 Chess teaches:*

"wherein a "Not Modified" status code is sent to the client if the cached response is valid." (e.g., **see paragraph 9 in page 1**).

19. *In regard to claims 21 and 29 Chamberlain teaches:*

“wherein a new response is generated and sent to the client with a new entity tag if the cached response is not valid.” (e.g., **see paragraph 127 in page 7**). *For example the flags are sent to the user (e.g., client).*

20. *In regard to claim 22 Chamberlain teaches:*

“a cacheability analyzer (e.g., **Cacheability analyzer 309 in Fig. 4**) for determining the cacheability of the response (e.g., **see paragraph 16 in page 2 to 3**), and for generating the cacheability flags;” (e.g., **see paragraph 53 in page 5**).

“and a response builder for generating the response.” (e.g., **see paragraph 53 in page 5**).

21. *In regard to claim 30 Chamberlain teaches:*

“program code for determining the cacheability of the response (e.g., **see paragraph 48 in page 4; paragraph 53 in page 5**), and for generating the cacheability flags;” (e.g., **see paragraph 53 in page 5**).

“and program code for generating the response.” (e.g., **see paragraph 16 in page 2 to 3**). *For example server builds responses based on the client or user requests.*

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain in view of Chess as applied to claim 1 above, and further in view of U.S. Patent Publication 2004/0111463 A1 to Amon et al. (hereinafter Amon).

6. *In regard to claim 6 Chess teaches:*

“wherein the returning and caching step comprises: encoding the entity tag;” (e.g., see paragraph 33 in page 1). However, neither Chamberlain nor Chess expressly teach: “and returning the entity age to the client in a header accompanying the response.”

Amon teaches: “and returning the entity age to the client in a header accompanying the response.” (e.g., see paragraph 19 in page 2) for including the age of requested document in response header.

Disclosures by Chamberlain, Chess, and Amon are analogous because all references related to network communication.

At the time of invention it would have been obvious to a person of ordinary skill in art to modify the system and method of caching web pages with dynamic content taught by Chamberlain to include the content-side caching of pages with changing content disclosed by Chess. Furthermore, to include the age of document in response header as taught by Amon

The motivation for using content-side caching of pages as taught by paragraph 1, page 1 of Chess is to improve the performance of internet-based for web application. Furthermore, the motivation for including the age of document in the response header as taught by paragraph 9, page 1 is to improve Internet messaging.

Therefore, it would have been obvious to combine disclosure by Amon with Chess and Chamberlain to obtain the invention as specified in the claim.

ALLOWABLE SUBJECT MATTER

Claim 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101 and 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 28 are objected to as being dependent upon rejected based claims, but would be allowable if rewritten in correct and independent form including all of the limitations of the base claim and any intervening claims.

1. *The primary reason for allowance of claim 28 in instant application is the combination with the inclusion of following limitations: wherein a status code is sent to the client if the cached response is valid.*

: IMPORTANT NOTE :

*If the applicant should choose to rewrite the independent claims to include the limitations recited in either one of the claims, the applicant is encouraged to **amend the title of the invention** such that it is descriptive of the invention as claimed as required be sec. **606.01** of the **MPEP**. Furthermore, the **summary of invention** and the **abstract** should be amended to bring them into harmony with the allowed claims as required by paragraph 2 of sec. **1302.01** of the **MPEP**.*

As allowable subject matter has been indicated, applicant's response must either comply with all formal requirements or specifically traverse each requirement not compiled with. See 37 C.F.R. § 1.111(b) and § 707.07(a) of the M.P.E.P.

Conclusion

The prior art made of record and not relied upon are as follows:

1. *U. S. Patent No. 6,757,705 B1 to Pardikar et al. describes Method and system for client-side caching.*
2. *U. S. Patent Publication No. 2002/0194382 A1 to Kausik et al. describes Method and system for efficient and automated version management of embedded objects in web documents.*
3. *U. S. Patent Publication No. 2002/0156832 A1 to Duri et al. describes Method and apparatus for dynamic bookmarks with attributes.*

Any inquiry concerning this communication should be directed to Hashem Farrokh whose telephone number is (571) 272-4193. The examiner can normally be reached Monday-Friday from 8:00 AM to 5:00 PM.

If attempt to reach the above noted Examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Donald A Sparks, can be reached on (571) 272-4201. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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*access to the Private PAIR system, contact the Electronic Business Center (EBS) at
866-217-9197 (toll-free).*

HF

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2006-08-06

*Brian R. Peugh
Primary Examiner*

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